

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3975 of 1991

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SUSHILABENA THAKAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3975 of 1991
MRS MS SHARMA with MR BS SUPEHIA for Petitioner
MR PREMAL JOSHI AGP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 30/06/2000

ORAL JUDGEMENT

Learned advocate Ms. M.S Sharma appearing for the petitioner is not present on call. Heard the learned AGP Mr. Joshi.

2. The petitioner before this Court is the widow of one Shri A.T Thakar who was a Government servant. While in the government service, late Shri A.T Thakar had been allotted a Government residential premises in the locality known as K-Colony. The said Shri Thakar died in harness. It is the claim of the petitioner that had late Shri Thakar not died in harness, the petitioner would have continued to occupy the said residential quarter till late Shri Thakar would reach the age of superannuation. Further, in past, the Government had resolved to give the residential quarters allocated to the Government servants in the areas known as H & L Colonies to the concerned occupants on hire purchase. The petitioner being similarly situated, ought to be given the residential quarter in question on hire purchase.

3. The petition was admitted to final hearing on 23rd August, 1991 and was directed to be heard with Special Civil Application No. 3157 of 1981 and other allied matters. By way of ad-interim order, the petitioner was protected against the eviction from the concerned residential quarter. Pending this petition, the above referred Special Civil Application No. 3157 of 1981 and other allied matters have been heard and disposed of by the Division Bench. The Division Bench in its judgment [N.K Parmar & Ors. v/s. State of Gujarat & Ors. - 1992 (2) GLR 1509] has negatived the claim of the writ petitioners of right to hire purchase of the residential quarters in question.

4. In view of the above judgment, the claim for hire purchase made by the petitioner herein is not sustainable. Besides, the Government servant, Shri A.T Thakar, having passed away the petitioner has no right to continue to occupy the residential quarter in question. The petition is accordingly dismissed. Rule is discharged. Interim relief is vacated.

[Ms. R.M Doshit, J.]

Prakash*